

### REMARKS

Claims 1-30 were examined in the most recent, final office action dated January 5, 2007. Applicants appreciate the indication that claims 16, 29, and 30 are allowed. Applicants further appreciate the indication that claim 2 would be allowable if rewritten in independent form reciting all limitations of the base claim and any intervening claims, and that claims 7-9, 11-15, 19-25, and 28 would be allowable if rewritten to overcome indefiniteness rejections and if rewritten in independent form reciting all limitations of the base claim and any intervening claims.

Claims 4, 6-15, 19-25, and 28 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Claims 1, 3-6, 10, 17, 18, 26, and 27 stand rejected as allegedly anticipated by West, U.S. Patent No. 5,123,839.

All of the amendments made herein are for clarification purposes and therefore no new search is required. Entry of this amendment is respectfully requested. Based on the amendments and arguments made in this response, applicants respectfully request withdrawal of all rejections and issuance of a notice of allowance.

#### The Indefiniteness Rejections Have Been Addressed

Claim 4 stands rejected because “the first media line”, “the second media line”, and “the first switch” lack antecedent basis. Claim 1 has been amended to recite “a first media line” and ‘a first switch.’ Claim 3 has been amended to recite “a second media line.” Accordingly, the terms noted in the office action now have antecedent basis.

Claim 6 stands rejected because “the associated heating element” and “the associated regulation circuit” lack antecedent basis. Claim 5 recites a first media line for air, a second media line for water and there being associated with each media line a respective heating element and a respective regulation circuit. Claim 6 has therefore been amended to recite “the

heating element associated the air media line” and “the regulation circuit associated with the air media line.”

Claims 8 and 19 stand rejected because “the heating current” lacks antecedent basis. Claims 8 and 19 have both been amended to recite “a heating current.”

Claims 6 and 9 stand rejected because “the air media heating” and “the output signal” lack antecedent basis. Both claims 6 and 9 have been amended to recite “an output signal.” Claim 9 has been amended to delete “the air media heating” and recite “the heating element associated with the air media line.” Claim 6 does not recite “the air media heating,” and therefore applicant traverses this aspect of the rejection.

Claim 10 stands rejected because “the associated media line” lacks antecedent basis. Claim 5 recites “there being associated with each media line... a respective temperature sensor.” Claim 10 has been amended to recite that “the temperature sensors are arranged directly in their respective media lines.” Claim 26 has been likewise amended.

Claims 11 and 21 stand rejected because “the water heating” lacks antecedent basis. Claims 11 and 21 have been amended to delete “the water heating.” Likewise, claims 12-15 and 22-25 have also been amended to delete “the water heating.”

Claims 15 and 25 stand rejected because “the region” lacks antecedent basis. Claims 15 and 25 have been amended to recite “a region.”

It is understood that Claims 18 and 28 stand rejected for reciting “a second set of electronic components,” where a first set of electronic components is not recited. Claims 18 and 28 have been amended to simply recite “a set of components.”

Claim 21 has been further amended to recite that the first media line is provided for delivery of water.

Withdrawal of all rejections to the claims for indefiniteness is respectfully requested.

Claims 1, 3, 4, 17, 18, and 26 are Allowable

Applicants respectfully traverse the rejection to claim 1 as anticipated by Wolf. Claim 1 recites, in part, that the heating element operates for a short period of time after actuation of the first switch at a predetermined heating power independent of an output signal of the regulation circuit. Claim 1 has been amended slightly merely for clarification purposes, and no new search is required.

Wolf fails to disclose that the heating unit can ever operate independently of its regulation circuit. Wolf describes a dental tool system with a heating element 12 and a temperature regulator 39. Wolf only discloses that the temperature regulator 39 always controls the temperature of the heating element 12. “There is a temperature regulator [] 39, in the module circuit 33, to receive signals from the temperature sensors 21 and 24 through the temperature sensor circuit 28 and to regulate the amount of the AC current that is sent by the AC power amplifier 36 to the heating element 12. Wolf, col. 6, lines 51-56. As shown in Fig. 6, the temperature regulator 39 sends out a “HEAT CTRL.” signal to the AC Power Amplifiers 36, and the amplifiers 36 send out “AC POWER” and “AC GROUND” along lines 27 and 27 to the HEATING ELEMENT 12. Fig. 6 shows only the temperature regulator supplying the heating element with power. Accordingly, Wolf only discloses that the heating element operates in complete dependence on an output signal from the regulator circuit.

The office action’s cite to West is in error. The office action cites West, col. 4, line 35 and argues that West shows a switch and the heating element is, after activation of the switch, operable independent of an output signal of the regulation circuit. The cited portion of West discloses a pneumatically actuated electrical switch 32, and the heating element only receives current from the electrical switch 32 when a pneumatic pressure switch 35 is actuated. Figure 6 shows a pneumatic pressure switch 35 that supplies pressurized air to a pneumatically

actuated electrical switch 32. When the pneumatic pressure switch 35 is turned on, the pressurized air actuates the pneumatically actuated electrical switch 32, and the switch 32 supplies current to the temperature regulator 39. The regulator 39 then directs the heating element 12 as described above. In no way does the pneumatically actuated electrical switch 32 supply current to the heating element 12 or direct the heating element 12 to heat up independently of the regulator 39. Accordingly, West fails to disclose that a heating element that operates independently of the regulation circuit.

The examiner asserted that “[p]atentable weight is not given to inferentially claimed element and its intended use...” Office action, page 2. Applicants respectfully traverse that the noted element is “an inferentially claimed element”. Instead, the noted elements are functional limitations of the heating element. As noted in MPEP 2173.05(g), “A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. A functional limitation is often used in association with an element, ingredient, or step of a process to define a particular capability or purpose that is served by the recited element, ingredient or step.” Because Wolf fails to disclose a regulation circuit and heating element that have the capability to function the same as the claimed heating element, Wolf fails to anticipate claim 1. Further, because Wolf only discloses constant control of the heating element by the regulation circuit, there is no suggestion within in Wolf for independent operation of the heating element.

The examiner’s assertion that “the claims do not read that the heating unit is operated independent of the temperature control system as argued” is in error. Independent claim 1 recites that the heating element operates for a short period of time at a predetermined heating

power independent of an output signal of the regulation circuit. Accordingly, claim 1 is allowable. Dependent claims 3, 4, 17, 18, and 26 are allowable for at least the same reasons.

Claims 5, 6, 7, 10, 27, and 28 is Allowable

Applicants respectfully traverse the rejection to claim 5 as anticipated by Wolf. Claim 5 recites a first media line, a second media line, and a respective heating element associated with each media line. Claim 5 further recites that the regulation circuit is configured such that upon simultaneous actuation of the first switch and the second switch, the regulation circuit switches off the heating element for the first media line for air. While claim 5 has been slightly amended, the amendment is merely for clarity, and no new search is required.

Initially, Wolf only discloses a single heating element for both the air line and the water line. Accordingly, Wolf fails to disclose that each of the first media line and the second media line respectively have an associated heating element. Further, Wolf simply fails to disclose or suggest that the regulation circuit switches off the heater for the media line for air when the first and second switches are simultaneously activated. Again, the functional limitations of claim 5 limit the regulation circuit and must be evaluated and considered like any other limitation. Because the regulator 39 of Wolf is not configured in the same manner as that claimed, the elements of claim 5 are not disclosed by Wolf. Accordingly, claim 5 is novel over Wolf.

Further, there is no suggestion within Wolf for the novel configuration recited in claim 5. Wolf fails to recognize that energy savings can be achieved by only heating the water and not heating the air. Because Wolf discloses heating both air and water with a single heating element, this configuration is simply impossible in Wolf. Dependent claims 6, 7, 10, 27, and 28 are allowable for at least the same reasons.

Claims 2, 8, 9, 11-15, and 19-25 are Allowable

The office action has indicated that claim 2 would be allowable if rewritten in independent form including all limitations of the base claim. Claim 2 has been so amended.

The office action further indicated that claims 8, 11, and 19 would be allowable if rewritten in independent form including all limitations of the base claim and to address the indefiniteness issues. Claims 8, 11, and 19 have been so amended. Accordingly, claims 8, 11, and 19 are allowable. Dependent claims 9, 12-15, and 20-25 are allowable for at least the same reasons.

**CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance. Applicants include the fee for three extra independent claims. If a further fee is due, please charge our Deposit Account No. 13-2855, under Order No. 30815/26966, from which the undersigned is authorized to draw.

Respectfully submitted,

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